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Sent: Friday, January 05, 2007 2:49 PM

To: Taskforcecomments

Subject: Comments to Improve Identity theft investigations

I am sending this as my own opinion and thoughts and not representing the Secret Service in any way or manner. Hope the information will be of some use or lead to improvements in the identity theft/financial crimes investigations. Suspects in most cases do not use other people identity except to obtain unauthorized financial gain or access.

I would like to address an issue that has been a great burden to financial crimes investigators who are attempting to obtain critical and important information and documents in establishing that an identity related crime has been committed. A frequent problem is a failure of financial institutions, credit card companies and other business to quickly provide the information of the identity theft suspect's application, records, or transactions to an law enforcement officer working a financial crimes case. The organizations and companies demand that a Grand Jury subpoena be issued before they will release the requested information which is needed to develop and prove a crime has occurred.

The institutions and business need to be released from any liability concern when requested by a law enforcement agency that is legally investigation a financial crimes case and or is linked to identity theft. If the financial institution or credit card company, mortgage broker or another business or organization has records of an identity theft and or financial crimes, and they themselves a potential victim, then there should be no reason for them not to share the requested information and provide documents without a Grand Jury Subpoena. It is almost as bad a robbery victim telling the responding officer that unless the officer issues a subpoena then the robbery victim can not tell them who the robbed was or provide a physical description.

I view this in this way. If a suspects used another individual's identity to open up an account , buy a product or service, what legal expectation of privacy does the suspect have related to the fraudulent account information. The information used to open the accounts does not belong to the suspect in the first place. Why would the organization who is the victim of a financial crime and lost money or a product be hesitant in providing information that would lead to the suspects prosecution? I think the trend of a lot of organizations is that they have historically misinterpreted the privacy laws and twisted them around to not apply the privacy law as they were intended. This also includes banks, credit unions, real estate and investment firms.

A official agency letter head faxed or email request would expedite the confirmation of the request and justification that a financial crime has

occurred or identity theft has been committed or probable cause that an offense has occurred.

The process and time of obtaining a Grand Jury Subpoena by an investigator and the federal court results in resources being utilized to issue scheduling a Grand Jury date for the return. This in my opinion is a waste of resources and time for both the courts and investigating agency.

If an investigating agency is abusing or illegally obtaining or using the requested information illegally and not related to the investigation of a criminal violation or suspected criminal violation then make the investigating agency and or individual be held accountable for the illegal request and unauthorized use. Don't further penalize the victims.

I have witnessed on numerous occasions where the identity theft victim themselves upon the request of law enforcement or before contacting law enforcement attempted to obtain information from financial institutions and businesses and were not able to get their own information. The organizations protected the identity of the suspect and information on the suspect more than the true victim in the case. This limited the victim from understanding the impact and how much activity and damaged that had been associated to their name and person. This resulted in the victim not being able to report to a law enforcement agency the actual or potential fraud that had occurred which would initiate a criminal case.

A compromise to the Grand Jury Subpoena may be an Administrative Subpoena issued by the investigating federal agency or equivalent by a state court. However, several Federal Agencies do not have the authority to issue Administrative subpoenas especially for financial crimes type of cases. If the Administrative Subpoena authority was extended to the federal agencies tasked with and authorized to investigate financial and identity theft then this is another issues that would have to change.

Some organizations charge for the requested information of the Administrative or Grand Jury Subpoenas. This should be reviewed also. In the majority of cases where there is a compromise of someone's identity and there is a financial loss, the issuing financial institution or business did not conduct a complete verification of the customer or account holder. They were mostly interested in the selling of a product, service or issuance of the credit. They are interested in volume and factor acceptable loss in their business promotions and plans.

In a lot of identity theft and financial crime cases, the identity theft victims do not lose any money. The "victim" will be the financial institutions, businesses, or organizations. They are the custodian of the records and information we need to further the development of the case.

Their reluctance and refusal to provide the information without the service of a Grand Jury Subpoenas for various alleged legal reasons hampers the investigators. When an investigator encounters these refusals or reluctance to provide information from the financial organizations who are "Victims" themselves in the matter and do not want to cooperate, then this sets a bad precedence.

I hope this will give you another perspective of issues that delay and prevent identity theft cases from being investigated and prosecuted in timely manner with respect to the identity theft victim , financial loss victims and financial crimes investigators.

If this message is not clear or you need additional information, I would be glad to respond to your questions. Email or telephone at the below listed information.